

FILED

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

JUL 31 2012

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY *hwh* DEPUTY

DAVID RAY THOMAS,

Petitioner,

vs.

JUSTIN JONES, Director,

Respondent.

No. CIV-12-705-W

ORDER

On June 28, 2012, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this matter and recommended that this action be transferred to the United States District Court for the Northern District of Oklahoma.¹ Petitioner David Ray Thomas was advised of his right to object, see Doc. 6 at 3, but no objections to the proposed transfer have been filed within the allotted time.

Thomas is currently incarcerated in Lawton Correctional Facility, Lawton, Oklahoma, which is located within the territorial jurisdiction of this judicial district. The judgments of conviction and the sentences giving rise to Thomas' Petition for Writ of Habeas Corpus ("Petition"), which was filed pursuant to title 28, section 2254 of the United States Code, were imposed by the District Court for Rogers County, Oklahoma, which is located within the territorial confines of the Northern District of Oklahoma.

Under title 28, section 2241(d) of the United States Code, both the Western District, where Thomas is incarcerated, and the Northern District, where Thomas was convicted

¹In the Report and Recommendation, Magistrate Judge Purcell noted that Thomas had failed to pay the requisite filing fee. See Doc. 6 at 1. The record reflects that Thomas has now paid the filing fee of \$5.00 in its entirety. See Doc. 7.

and sentenced, have jurisdiction to hear the claims in Thomas' Petition. Magistrate Judge Purcell recommended, and this Court concurs in the exercise of its discretion and in the absence of objection, that justice would be better served by the adjudication of Thomas' Petition in the judicial district where his convictions were entered and his sentences imposed.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 6] filed on June 28, 2012;

(2) DIRECTS the Clerk of this Court to TRANSFER this matter to the United States District Court for the Northern District of Oklahoma; and

(3) ADVISES Thomas that all pleadings and papers hereafter filed in this matter should be filed in the Northern District of Oklahoma and should reflect the case number assigned to the action by the Clerk of that Court.

ENTERED this 31st day of July, 2012.


LEE R. WEST
UNITED STATES DISTRICT JUDGE